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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,640	11/30/2000	James T. Walker		2414

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EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 04/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,640

Applicant(s)

WALKER, JAMES T.

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,9,10,17,18,20,23,25,36,37,39,42-46,51,53,54 and 56-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,9,10,17,18,20,23,25,36,37,39,42-46,51,53,54 and 56-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/24/03 has been entered.

Acknowledgement is made of applicant's submission of:

Extension Of Time (1 Mo.) filed on 03/14/03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 53, 54, 56, 57, 59, 61, 63, 65, 67, and 70 are rejected under 35 U.S.C. 102(b) as being anticipated by Wakeman (U.S. Patent No. 928,483). Wakeman discloses a security safe as claimed; wherein said safe comprises a housing (a) defining a security enclosure, the housing including an opening into said enclosure, see Fig. 1. Wakeman also includes a door mechanism (a') mounted to the housing and an aperture (18). Wakeman's housing further includes a first support surface (21), a port hole (17) defined in the housing, wherein the port hole is located

Art Unit: 3677

proximate the first support surface, a second support surface (16) located in relation to the aperture (18), and wherein the housing includes a top wall, a bottom wall, and side walls, such that the second support surface is connected to a side wall (1) of the housing, and the first support surface (21) and the second support surface are spatially offset, see Fig. 1. As it concerns claims 53 and 54, said aperture and said port hole are located on the side wall of a safe. For the purposes of clarification, the same side wall the second support surface is connected to. In regards to claim 56, Wakeman's safe includes three side walls, and one of the side walls comprises a back wall (B), such that: (i) the other two side walls (S) are in opposing position relative to each other, and the door mechanism is essentially mounted to at least one of said opposing side walls, (ii) the top wall (T) is in opposing relation to the bottom wall (BM), and (iii) the back wall is in opposing position relative to said opening into the interior of the enclosure, see figure 1 below.

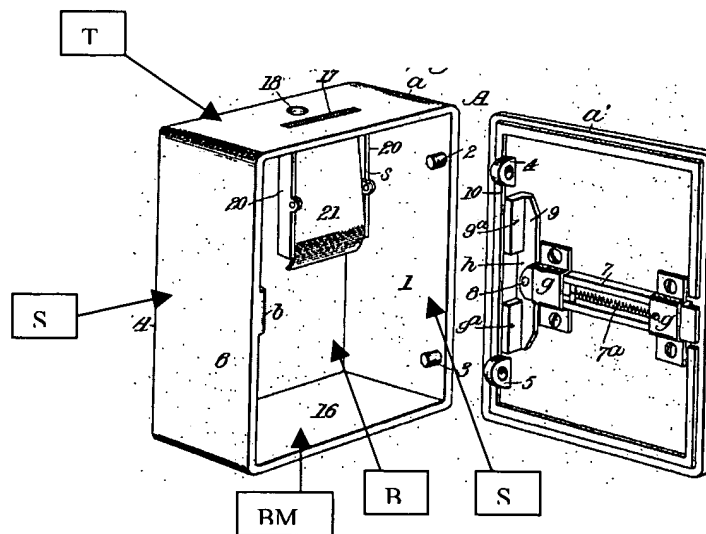


Figure 1

Art Unit: 3677

As it concerns claim 57, Wakeman's second support surface (16) comprises a shelf connected to at least a side wall of the housing. In regards to claim 59, Wakeman's second support surface (16) comprises a shelf connected to the top wall via wall (6) and at least a side wall of the housing (1). In regards to claim 61, Wakeman's second support surface (16) comprises a shelf connected to the bottom wall of the housing, see figure 1 above. As it concerns claim 63, Wakeman's second support surface comprises a shelf connected to the bottom wall and at least a side wall of the housing, see figure 1 above. As it concerns claim 65, Wakeman's second support surface comprises a shelf connected to the back wall of the housing, see figure 1 above. In regards to claim 67, said second support surface comprises a shelf connected to a side wall and the back wall of the housing. Regarding claim 70, Wakeman's aperture (18), is located proximate the second support surface (16) such that items inserted into the housing through the aperture for reception by the second support surface, essentially avert impacting a device that is maintained by the first support surface (21). In regards to claim 4, Wakeman includes a door (a') attached to the housing by one or more hinges such that the door is movable between said opened and closed positions, see Fig. 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3677

5. Claims 17, 18, 20, 23, 36, 37, 72, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (U.S. Patent No. 928,483) in view of Israel (G.B. 2,066,869). Wakeman discloses a security safe substantially as claimed; wherein said safe comprises a housing defining a security enclosure, the housing including an opening into an interior of said enclosure, a door mechanism mounted to the housing, a first support surface (21), a port hole (17) providing access into said enclosure, wherein the port hole is located proximate the first support surface, a second support surface (16) located in relation to the aperture (18) to receive items, wherein the housing includes a top wall (T), a bottom wall (BM), such that the second support surface is connected to a side wall (S) of the housing, and the first support surface and the second support surface are spatially offset, see figure 1 above. Wakeman fails to disclose the door mechanism further including at least an aperture. Israel discloses the use of an aperture (21) on a door mechanism. As it concerns claim 72, Wakeman's safe includes three side walls, and one of the side walls comprises a back wall (B), such that: (i) the other two side walls (S) are in opposing position relative to each other, and the door mechanism is essentially mounted to at least one of said opposing side walls, (ii) the top wall (T) is in opposing relation to the bottom wall (BM), and (iii) the back wall is in opposing position relative to said opening into the interior of the enclosure, see figure 1 above. In regards to claim 23, Wakeman's door mechanism comprises a door (a') attached to the housing by one or more hinges such that the door is movable between opened and closed positions. Regarding claim 86, Wakeman's aperture (18) is located proximate the second support surface such that items inserted into the housing through said aperture essentially avert impacting a device that is maintained by the first support surface. As it concerns claim 36 and 37, Israel further includes an anchoring mechanism; wherein said

Art Unit: 3677

anchoring mechanism includes a plurality of orifices in said housing to allow attachment of said housing to a structure with fasteners, see Fig. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Israel, in regards to an aperture on the door mechanism and an anchoring mechanism, to accommodate orientation and space problems associated with inserting items into Wakeman's aperture (18) and to prevent unauthorized movement of said safe.

6. Claims 6, 9, 10, 25, 39, 42-44, 51, 58, 60, 62, 64, 66, 68, 69, 71, and 73-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (U.S. Patent No. 928,483) in view of Israel (GB 2,066,869A) further in view of Gross (U.S. Patent No. 342,003). Wakeman discloses a security safe substantially as claimed; wherein said safe comprises a housing defining a security enclosure, the housing including an opening into an interior of said enclosure, a door mechanism (a') mounted to the housing, a first support surface (21), a port hole (17) providing access into said enclosure, wherein the port hole is located proximate the first support surface, an aperture (18), a second support surface (16) located in relation to said aperture. Wakeman's housing includes a top wall (T), side walls (S), and the second support surface (16) is connected to a side wall of the housing, and the first support surface and the second support surface are spatially offset. Wakeman also includes a locking mechanism. Wakeman does not include that said aperture is located in the door mechanism, the door mechanism includes a first and second door, a divider mounted substantially transverse to the second support surface, a locking mechanism designed to lock said first and second doors, nor an anchoring mechanism for the safe. Israel discloses a safe that teaches the use of an aperture in the door mechanism and further teaches the use of an anchoring mechanism (fig. 2). Gross discloses a safe that teaches the use of

Art Unit: 3677

a first and second door, wherein said doors are provided with a locking mechanism, a divider mounted substantially transverse to a second support surface, see generally A in Fig. 1 of Gross. As it concerns claim 81, Wakeman's safe includes three side walls, and one of the side walls comprises a back wall (B), such that: (i) the other two side walls (S) are in opposing position relative to each other, and the door mechanism is essentially mounted to at least one of said opposing side walls, (ii) the top wall (T) is in opposing relation to the bottom wall (BM), and (iii) the back wall is in opposing position relative to said opening into the interior of the enclosure, see figure 1 above. In regards to claim 82, Wakeman's second support surface (16) comprises a shelf connected to at least a side wall of the housing. As it concerns claims 83 and 84, Wakeman's second support surface (16) comprises a shelf connected to the bottom wall and the back wall of the housing. In regards to claim 85, Wakeman's second support surface (16) comprises a shelf connected to the top wall via wall (6) of the housing. As it concerns claim 42, Gross' double door mechanism is designed in a manner such that when the first door is placed in the closed position the second door traps the first door in the closed position when the second door is placed in the closed position, whereby the first door can be placed in the open position only after the second door is placed in the opened position, see Gross col. 4, lines 50-55. In regards to claim 43, access to Wakeman's safe, as modified by Israel and Gross, is controlled by swinging at least one door from the closed position away from the housing to the opened position, see Fig. 1. In regards to claim 44, Wakeman's hinges (2, 3) are concealed from view by the housing and the doors when the door mechanism is in the closed position. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Israel, in regards to an aperture in the door mechanism and an anchoring means,

Art Unit: 3677

to modify Wakeman in a manner to accommodate orientation and space problems associated with inserting items into Wakeman's aperture (18) and for preventing unauthorized movement of said safe. Furthermore, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Gross, in regards to a first and second door and a divider, to modify Wakeman, as modified by Israel, such that two smaller doors maybe used to cover an opening where a single larger door may not have enough clearance to fully open and a substantially transverse divider may be used to separate the coins and bank notes upon insertion into said safe.

7. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman (U.S. Patent No. 928,483) in view of Israel (GB 2,066,869A), in view of Gross (U.S. Patent No. 342,003), and further in view of List (U.S. Patent No. 3,866,961). Wakeman, as modified by Israel and Gross, discloses a safe substantially as claimed, wherein said safe includes a locking mechanism. However, said locking mechanism does not include at least one member attached to the housing and projecting through a breach defined in at least one door when that door is in the closed position, the member including a hole for passing a lock therethrough. List discloses a locking mechanism that teaches the use of a member (25) with a hole (26), wherein said member projects through a breach (19) in a door, wherein said breach is located in a recessed pan (13). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of List, in regards to a locking mechanism including a recessed pan and a member projected through a breach, to modify Wakeman, as modified by Israel and Gross, such that a padlock or similar keyed lock

Art Unit: 3677

may be used to secure said doors instead of the combination lock commonly used in safes, thereby eliminating the need to remember complicated combinations.

Response to Arguments

8. Applicant's arguments filed on 01/24/03 have been considered but have not been found to be persuasive.

9. In response to applicant's argument that the Wakeman references disclose a safe for storing bills and coins, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Furthermore, the Examiner asserts that an electrical device supported vertically on surface (21) will conveniently allow a power cord to reach opening (17).

10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Art Unit: 3677

In this case, the Examiner has relied upon four (4) references solely for what they explicitly teach one of ordinary skill in the art; see claim rejections above for a detailed analysis.

11. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Furthermore, the Examiner notes that only four (4) references were relied upon.

12. The applicant contends that "there is no shelving in Gross", the Examiner asserts that Gross discloses shelves (generally A) within the meaning of the applicant's claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crosby *et al.* (U.S. Patent No. 6,042,207), Ryan *et al.* (U.S. Patent No. 6,089,685), Shoup *et al.* (U.S. Patent No. 5,405,196), and Kang (U.S. Patent No. 5,667,288), and McGunn (U.S. Patent No. 5,890,439) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

April 8, 2003



J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600